

16.22.115 Appeals.

The decision of the hearing examiner shall be final unless, within 21 days of issuance, it is appealed in accordance with Chapter 36.70C RCW. (Ord. 2003-25 § 11, 2003: Ord. 99-03 § 7, 1999)

Chapter 16.24**PROTECTION AND PRESERVATION
OF FARMLANDS AND OPEN SPACE****Sections:**

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16.24.010 Findings and declaration of purpose.

The city council finds that:

A. The city is a desirable place to live and visit because of the natural beauty of its open space, including farmlands.

B. Land suitable for farming is an irreplaceable natural resource. When such land is converted to housing, an important community resource is permanently lost to the citizens of the city.

C. Despite the value of farms and farmers to the community, increasing land values threaten to eliminate farming as a way of life.

D. The acquisition by the city of voluntarily offered interests in farmlands and open space within the city, as provided in this chapter, will permit these lands to remain in farmland and open space uses and provide long-term protection for the public interests which are served by farmlands and open space.

E. The acquisition of development rights in farmlands and open space as provided in this chapter is a public purpose. (Ord. 92-14 § 1, 1992)

16.24.020 Definitions.

A. "Administrator" means the official or body nominated by the mayor and appointed by the city council to administer this chapter.

B. "Agricultural rights" means an interest in and the right to use and possess land for purposes and activities related to horticultural, viticultural, floricultural, dairy, apiary, vegetable, animal product, berry, grain, hay, straw, turf, seed, Christmas tree, livestock, and other agricultural and open space uses.

C. "Development rights" means an interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities which are not incidental to agricultural and open space uses.

D. "Eligible land" means farmland and open space land which is eligible to be acquired under this chapter.

E. "Farmland" means:

1. "Agricultural land" as defined in BIMC 16.20.020;

2. Land which is open space land, but has been used as agricultural land as defined in BIMC 16.20.020;

3. Land which is primarily devoted to the raising, breeding or production of animals or plants, but does not meet the definition of "agricultural land" in BIMC 16.20.020; or

4. Open space land which is found by the selection committee to be suitable for use as farmland.

F. "Full ownership" means fee simple ownership.

G. "Governmental agency" means the United States or any agency thereof, the state of Washington or any agency thereof, or any county, city or municipal corporation.

H. "Open space land" means "open space" as defined in BIMC 16.20.020 and "open space use" means any of the uses provided in such definition.

I. *Repealed by Ord. 2003-22.*

J. "Selection committee" means the committee formed pursuant to BIMC 16.24.050 to advise the city council in the selection of eligible lands for purchase of development rights.

K. "Value of development rights" means the difference between the fair market value of full ownership of the land (excluding the

buildings thereon) and the fair market value of the agricultural rights to the land. (Ord. 2003-22 § 26, 2003: Ord. 92-14 § 1, 1992)

16.24.030 Authorization.

A. The city is authorized to acquire the entire development rights for any farmland and open space land described and prioritized in BIMC 16.24.040. Such acquisition may be accomplished by purchase, gift, grant, bequest, devise, covenant or contract, but only at a price which is equal to or less than the appraised value as determined in this chapter. Funds shall be used to acquire such property interests only upon application of the owner and in a strictly voluntary manner.

B. If the owner so elects, the administrator is authorized to pay the purchase price in a lump-sum single payment at time of closing, or to enter into contracts for installment payments against the purchase price.

C. The administrator is further authorized to contract with other governmental agencies or nonprofit corporations as defined by RCW 84.34.250 to participate jointly in the acquisition of development rights in eligible lands on such terms as shall be approved by the city council consistent with the purposes and procedures of this chapter.

D. If the city passes an ordinance authorizing the transfer of development rights, any development rights acquired under this chapter shall be available for transfer pursuant to the provisions of such ordinance. (Ord. 92-14 § 1, 1992)

16.24.040 Priority of acquisition.

Development rights shall be purchased in sequential order of the priorities listed below:

A. Farmlands that the owner must sell because of the owner's age or infirmity or because of economic pressure;

B. Other farmlands;

C. Open space land. (Ord. 92-14 § 1, 1992)

16.24.050 Criteria for selection within same priority.

If funds are not adequate in any selection round to purchase all eligible lands of equal

priority for which valid offers have been received by the city, the following criteria shall be considered in determining which offers to accept within a priority group:

A. An offer which is below appraisal shall be favored over an offer which is at appraisal.

B. Agricultural land as defined in BIMC 16.20.020 shall be favored over other eligible lands.

Other criteria may also be considered. The weight to be given to each criterion shall be determined finally by the city council for each parcel of property and such good faith determination shall be conclusive. (Ord. 92-14 § 1, 1992)

16.24.060 Selection committee.

A. A seven-member selection committee shall be appointed within 90 days following the effective date of this chapter. The selection committee shall advise the city council in the selection of eligible lands offered for acquisition by their owners. Members shall be nominated by the mayor and approved by the city council.

B. The selection committee shall consist of two members, one who shall have at least five years' experience in the operation and management of commercial farms, and one who shall have farmed on Bainbridge Island for at least 10 years prior to the date of appointment; two members, each of whom shall have at least five years experience in the management of either a construction or land development or real estate business; and three members who shall be lay citizens. The selection committee shall have at least one member from each ward of the city.

C. Members shall serve three-year terms, except that the initial term of three members shall be two years and of four members shall be three years. They may be removed by the city council only for good cause shown and may be reappointed to successive terms. They shall not be compensated for their services, but shall be reimbursed for expenses actually incurred in the performance of their duties. (Ord. 92-14 § 1, 1992)

16.24.070 Selection process.

Within six months of the appointment of the original selection committee, and continuing annually or at other intervals as determined by motion of the city council, the administrator shall conduct a voluntary property selection process ("selection round") as follows:

A. In the first selection round, all properties in the first priority shall be eligible for purchase; if no properties in the first priority are available for purchase, properties in the second priority shall be eligible for purchase; and if no properties in the second priority are available for purchase, properties in the third priority shall be eligible for purchase. In subsequent selection rounds, all properties in any priority shall be eligible for purchase. In all selection rounds, properties of a higher priority shall be purchased with available funds before properties of a lower priority.

B. The administrator shall begin each selection round by giving notice in one newspaper of general circulation in the city. The notice shall describe the properties eligible for purchase in that selection round and the procedure to be followed in the selection process, including an estimated time schedule for the steps in the process, and shall invite the owners of such properties to submit applications.

C. Upon closing of the application period, the administrator shall review each application to determine the eligibility and priority classification of each property interest and verify ownership by title search.

D. For those applications which meet the requirements of subsection C of this section, the administrator shall select an M.A.I. appraiser to prepare an appraisal of the value of development rights, which shall consist of an appraisal of the fair market value of full ownership of the land (excluding buildings thereon), and an appraisal of the fair market value of agricultural rights only.

E. Appraisals shall be in writing and shall be furnished to the respective owners for review. The city or the owners may bring alleged errors of fact in any appraisal to the attention of the appraiser, who may correct the appraisal. If an owner disagrees with the appraisal, the owner may, within the time

allowed on the selection schedule, request the preparation of another appraisal at the owner's expense. The selection committee shall appoint the review appraiser or appraisers in the same manner as the original appraiser or appraisers were appointed by the administrator. The final appraisal shall be the average of the original appraisal and the additional appraisal.

F. The administrator may discuss terms and conditions of sale and information on the effect of the sale with owners prior to the submission of written offers.

G. Sealed, firm written offers by all applicants shall be submitted on forms provided by the city. The offers shall be opened by the administrator on a day certain.

H. The administrator shall review all offers and make recommendations to the selection committee. The selection committee shall review all offers and the recommendations of the administrator and make recommendations to the city council. Upon receiving the recommendations of the selection committee, the city council shall take final action on the recommendations. (Ord. 92-14 § 1, 1992)

16.24.080 Duration and effect of acquired interests.

Except as provided otherwise in any transfer of development rights ordinance, (1) development rights acquired pursuant to this chapter shall be held in trust by the city for the benefit of its citizens in perpetuity and (2) no changes in land use or development ordinances of the city shall affect or modify the development rights acquired under this chapter. Except as found necessary by the city council to convey public road and utility easements, the city shall

not sell, lease or convey any interest in land which it shall acquire under this chapter. (Ord. 92-14 § 1, 1992)

16.24.090 Records.

The city clerk is authorized and directed to keep a separate system of records for documents relating to development rights. (Ord. 92-14 § 1, 1992)

16.24.100 Related costs.

The costs of appraisal, engineering, surveying, planning, financial, legal and other services lawfully incurred in acquiring eligible lands shall be paid from the funds authorized to carry out this chapter, unless provided otherwise by the city council. (Ord. 92-14 § 1, 1992)

16.24.110 Supplemental funds.

Supplemental or matching funds from other governmental agencies or private sources may become available to pay all or a portion of the cost of acquiring development rights. The administrator is authorized to utilize those funds to purchase development rights in eligible lands or to supplement the funds authorized to carry out this chapter, in the manner provided by this chapter and in accordance with the applicable laws or terms governing the grant. (Ord. 92-14 § 1, 1992)

16.24.120 City purpose.

The city council finds and declares that the use of city funds to pay the acquisition and related costs of acquiring development rights in eligible lands, or of participating with other government agencies in the acquisition of such development rights, will promote the health, welfare, benefit and safety of the people of the city and is a capital purpose. (Ord. 92-14 § 1, 1992)

16.24.130 Farmland and open space acquisition fund.

Any funds for carrying out this chapter shall be deposited in a farmland and open space acquisition fund to be created by subsequent ordinance in the office of the city's

director of finance and shall be used for purposes that are consistent with this chapter. (Ord. 92-14 § 1, 1992)

16.24.140 Appropriation of funds.

Until initial funds for carrying out this chapter have been appropriated by subsequent ordinance, or except as authorized by the city council, no funds shall be expended under this chapter and the administrator shall only be authorized to conduct selection rounds through the submittal of applications. (Ord. 92-14 § 1, 1992)

Chapter 16.26

RIGHT TO FARM

Sections:

16.26.010 Purpose.

16.26.020 Definitions.

16.26.030 Right to farm.

16.26.040 Standards.

16.26.010 Purpose.

The conservation and protection of agricultural lands on Bainbridge Island are considered economically and nutritionally beneficial. Protection of these lands will enhance the cultural and economic diversity and retain the island character of the island. (Ord. 98-20 § 14, 1998)

16.26.020 Definitions.

A. "Agricultural land" means land primarily devoted to agricultural operations.

B. "Agricultural operation" means any facility or activity for the production or intent of production for commercial or family use purposes of dairy, apiary, livestock, camelids, ratites, vegetable or animal products, and crop products including, but not limited to, ornamental crops. Incidental vegetable gardening, landscaping and keeping common pets are not defined as agriculture.

C. "Best management practices" means conservation practices or systems of practices and management measures that:

1. Control soil loss and protect water quality from degradation caused by nutrients, animal waste, toxins and sediment; and

2. Minimize adverse impacts to surface water and groundwater flow, and to the chemical, physical, and biological characteristics of critical areas.

BMPs are defined by the State of Washington Department of Agriculture, Washington State Department of Ecology, Washington State Department of Health, Kitsap Conservation District, and other professional organizations.

D. "Registered agricultural lands" means lands that are either taxed as open space agricultural land, lands for which a farm plan is on

file with the city or lands for which the operator has filed a letter with the city that states that the operation will be conducted in compliance with best management practice. (Ord. 98-20 § 14, 1998)

16.26.030 Right to farm.

A. The city declares that an agricultural operation in conformance with agricultural best management practices is not a public or private nuisance,

B. No agricultural operation or any of its appurtenances will be considered by the city to be or become a nuisance, private or public, by any changes in or on the surrounding land; provided, that the provisions of this subsection shall not apply whenever a nuisance results from the unlawful operation of any such agricultural operation or its appurtenances. (Ord. 98-20 § 14, 1998)

16.26.040 Standards.

A. All plats, development permits, and building permits issued for development activities on or within 300 feet of lands registered as agricultural lands and open space will contain a notice that the subject property is within or near agricultural lands on which a variety of commercial activities may occur that are not compatible with residential development.

B. All subdivisions, plats and PUDs shall provide an adequate buffer and/or cluster development from agricultural operations. (Ord. 98-20 § 14, 1998)

Chapter 16.28**MINING****Sections:****16.28.010 Purpose.****16.28.020 Applicability.****16.28.030 General regulations.****16.28.040 Regulations – Setbacks and buffers.****16.28.050 Reclamation.****16.28.010 Purpose.**

The purpose of this section is to establish management policies which rigidly control the operation of the excavation of sand and other minerals, as well as gravel pits and to identify and classify, in accordance with the Growth Management Act, mineral resource lands from which the extraction of minerals can be anticipated. (Ord. 98-20 § 15, 1998)

16.28.020 Applicability.

Mining is the removal and primary processing of naturally occurring materials from the earth for economic use. For purposes of this definition, “processing” includes screening, crushing and stockpiling, all of which utilize materials removed from the site where the processing activity is located. Mining activities also include in-water dredging activities related to mineral extraction. Processing does not include general manufacturing, such as the manufacture of molded or cast concrete or asphalt products, asphalt mining operations, or concrete batching operations. (Ord. 98-20 § 15, 1998)

16.28.030 General regulations.

A. Excavation of sand, gravel and other minerals shall be done in strict conformance to the Washington State Surface Mining Reclamation Act (Chapter 78.44 RCW) and applicable provisions of this code and other regulations.

B. Mining operations shall comply with all local, state and federal water quality standards and pollution control laws. Operations shall utilize effective techniques to prevent or minimize surface water runoff, erosion and

sedimentation, prevent reduction of natural flows, protect all areas from acidic or toxic materials, and maintain the natural drainage courses of all streams. Surface water runoff shall be impounded as necessary to prevent accelerated runoff and erosion.

C. Overburden, mining debris and tailings shall not be placed in water bodies or floodways and shall be stored and protected in such a manner so as to prevent or minimize erosion or seepage to surface waters and groundwaters.

D. If substantial evidence indicates that mining operations are causing, or continuation of operation would cause, significant adverse impacts to water quality or to the geohydraulic functioning of a stream, the city may terminate the mining permit or impose further conditions on the mining operation.

E. In no case shall mining operations impair lateral support and thereby result in earth movements extending beyond the boundaries of the site.

F. Precautions shall be taken to insure that the stagnant or standing water, especially that of a toxic or noxious nature, does not develop, and that flooding and evaporation will not lead to the stranding of fish in open pits. (Ord. 98-20 § 15, 1998)

16.28.040 Regulations – Setbacks and buffers.

A. Mining activities shall be set back a sufficient distance from water bodies and wetlands to minimize erosion, protect water quality from all possible sources of pollution, and preserve the natural vegetation and aesthetics of the environment.

B. Mining equipment, works, and structures shall be sited and stored as far landward as feasible from the ordinary high water mark. Any facilities located within the 100-year floodplain must be able to withstand a 100-year flood without becoming hazardous. (Ord. 98-20 § 15, 1998)

16.28.050 Reclamation.

A. Reclamation plans are required to be submitted with each permit application and shall provide for reclamation of the site into a

use which is permitted by the city and shall also indicate when reclamation shall occur.

B. Suitable drainage systems approved by the city engineer shall be installed and maintained if natural, gradual drainage is not possible. Such systems should collect, treat and release surface runoff so as to prevent erosion and sedimentation.

C. To the extent possible, topography of the site shall be restored to the contours existing prior to mining activity. Contours of the reclaimed site shall be compatible with the surrounding land and/or shoreline area.

D. All banks, slopes and excavation areas containing unconsolidated materials shall be sloped to no steeper than two and one-half feet horizontal to one foot vertical. All slopes shall be sodded or surfaced with appropriate soil to at least the depth of the surrounding, undisturbed soil and subsequently revegetated.

E. Revegetation shall consist of compatible, native self-sustaining trees, shrubs, legumes or grasses.

F. All toxic and acid-forming mining refuse and materials shall be either treated so as to be nonpolluting prior to on-site disposal, or removed and disposed of away from shoreline areas.

G. The amount of land and/or shoreline area being excavated or lying disturbed and unreclaimed at any time without simultaneous reclamation being undertaken shall not exceed 10 acres. (Ord. 98-20 § 15, 1998)

Chapter 16.30

PEST MANAGEMENT AND PESTICIDE USE

Sections:

16.30.010 Purpose.

16.30.020 Definitions.

16.30.030 Pest prevention and removal.

16.30.040 Emergency procedures.

16.30.050 Training, education, and implementation.

16.30.060 Public notification.

16.30.070 Record keeping.

16.30.080 Yearly report.

16.30.010 Purpose.

A. The city promotes environmentally sensitive building and landscape pest and vegetation management that preserves the city's building and landscape assets and protects the health and safety of the public and city employees. The city policy is to eliminate the use of pesticides on its property.

B. The city shall use the prevention of pest problems as its primary tool for landscaping, building maintenance and other pest management issues on city property. When pest problems occur, mechanical or biological methods shall be the preferred control methods. Least toxic pesticides shall be used only as a last resort when other options have been proven ineffective.

C. Since inception of the city to its current status as an island-wide entity, the city staff has reduced the amount and toxicity of the pesticides used in building maintenance and landscape management to a very minimal amount. It is the city's practice to continue to look for ways to reduce the toxicity and amount of hazardous materials used in all city operations, including pesticide usage in building management and landscape maintenance.

D. The listing of Puget Sound chinook salmon under the Endangered Species Act has heightened awareness of the impact that common practices have on the environment. Recent studies documenting the presence of pesticides in area streams and effects of pesticides on salmon point to the need for public

agencies to serve as models of environmental stewardship in landscape management. (Ord. 2003-15 § 1, 2003)

16.30.020 Definitions.

As used in this chapter, the following terms have the following meanings:

A. "Pesticide" means any substance registered as a pesticide by the Washington State Department of Agriculture, including herbicides, insecticides, rodenticides and fungicides.

B. "High hazard pesticide" means any pesticide that does not meet the least toxic pesticide criteria in this chapter. (Ord. 2003-15 § 1, 2003)

16.30.030 Pest prevention and removal.

A. Prevention Techniques. Generally, all pest management techniques must avoid disrupting natural pest controls present and aim to suppress the pest population, not eliminate it. In many cases, a portion of the pest population must remain to sustain natural enemies. The city's first preference and most actively pursued method of pest and vegetation management on city property shall be the use of prevention techniques. Pest prevention techniques encourage the desired plants, animals, and other organisms and discourage unwanted ones. Prevention techniques and least toxic pest controls include:

1. Design and construction of indoor and outdoor areas to reduce the potential for pest habitats.

2. Good planting techniques, mulching, composting, irrigating, fertilizing, and use of native and pest-resistant plant species to avoid conditions where insects, undesirable plant species, disease and pests can develop into problem conditions.

3. Mechanical pest control techniques like hand pulling weeds, string trimming, flaming weeding (where practical and allowed), mowing, aeration and thatching, vacuum removal and hot water.

4. Increasing pest tolerance thresholds.

City staff shall continue to conduct and review research into alternative pest control

methods to evaluate their effectiveness and potential for use on a city-wide scale.

B. Mechanical, Physical, and Other Alternative Pest Control Methods. To evaluate and address existing pest problems or problems that may develop on city property in spite of prevention techniques, all city departments shall follow the approach outlined below:

1. Monitor sites for optimal health and sanitation conditions.

2. Monitor populations of potential pests and their natural enemies to determine if and when control is needed.

3. Establish threshold levels of pests below which the population does not require control.

4. Use physical, mechanical, biological, and other alternative methods to keep pest numbers low enough to prevent intolerable damage or annoyance.

C. Use of Pesticides Products.

1. The city council shall adopt by resolution a least toxic products list for use by city staff.

2. Within six months after May 26, 2003, the city shall end all use of pesticides on city property or in city operations, with the exception of those on the least toxic products list adopted by resolution. The city council may periodically review the least toxic products list and, after receiving public comment, add products to that list that meet the criteria for least toxic pesticides in this chapter or delete products if new information becomes available indicating that the products do not meet those criteria. After the effective date of the ordinance codified in this chapter:

- a. No routinely scheduled (i.e., monthly or weekly) pesticide applications shall be made by the city.

- b. No pesticides shall be applied by the city within at least 100 feet (ground applications) and 200 feet (aerial applications) of a lake, stream, wetland, or groundwater recharge area; provided, that applications within 100 feet of a storm drain may be made in dry weather.

- c. Insecticides containing least toxic products shall be used by the city only in containerized baits, or for spot treatments tar-

geted to insect nests or problem areas where a minimal amount of material will be used.

D. Least Toxic Pesticide Criteria. Least toxic pesticides must meet all of the following criteria (all ingredients should be identified so that they can be screened using these tests):

1. Product contains no possible, probable, or known carcinogens:

a. Not classified as a known, likely, probable or possible carcinogen by the U.S. EPA;

b. Not classified as a known, likely, probable or possible carcinogen by the International Agency for Research on Cancer (IARC); and

c. Not listed by the state of California (Prop 65 list) or the National Toxicology Program as known or reasonably anticipated to be human carcinogen.

2. Product contains no reproductive toxicants (CA Prop 65 list).

3. Product contains no ingredients listed by Illinois EPA as known, probable, or suspect endocrine disruptors.

4. Active ingredient has soil half-life of 30 days or less (exception for minerals).

5. Active ingredient has extremely low or very low mobility in soils.

6. Product is not hazardous to fish or wildlife:

a. Not labeled as toxic to fish, birds, bees, wildlife, or domestic animals;

b. Not found in U.S. EPA Office of Pesticide Programs Reregistration Eligibility Decisions (REDs, IREDs and TREDs) to exceed a level of concern for fish, aquatic insects, aquatic and semi-aquatic plants, or wildlife; and

c. Product has not been detected in salmon waters at a level harmful to aquatic life.

7. Product is not acutely toxic to humans: product is not labeled as DANGER or POISON (toxicity Class I or II).

8. Product contains no nervous system toxicants (ingredients that are cholinesterase inhibitors and/or are listed as neurotoxic by the toxics release inventory).

9. Pesticide is not a restricted use pesticide.

E. Use of Chromated Copper Arsenate Treated Wood Products. The city and its contractors shall not purchase wood products treated with Chromated Copper Arsenate (CCA) preservatives for use by the city or for performance of work on city-owned property. (Ord. 2003-15 § 1, 2003)

16.30.040 Emergency procedures.

The city council may authorize the use of high hazard pesticide on city property or in city operations when the director of public works has determined that an emergency situation exists where there is a serious threat to public safety, health or the environment, and that the proposed use is a last resort after less toxic remedies have been tried without satisfactory result. Prior to the authorization the director of public works shall review in writing the following with the city council:

A. The nature of the problem, the reason for the declared emergency, and the need to use a high hazard pesticide.

B. Information received after consulting with toxicologists in agencies such as the Washington State Department of Health, the Washington State Department of Ecology and the university extension services to determine the least toxic and least persistent pesticide currently available to address the problem, and to ascertain the currently designated level of toxicity and level of persistence of the proposed pesticide.

C. Description of the specific high hazard pesticide, persistence in the environment (length of soil half-life), currently designated toxicity levels, and all known potential risks with regard to public health and safety, and/or to the environment.

D. Proposed date and method of application, notification and posting provisions, and specific steps that will be taken to minimize risks to human health and the environment.

E. An evaluation of all feasible alternatives including nonchemical and no action alternatives.

F. Any legal requirements that are applicable.

The city council shall approve or deny the use either on a one-time basis, or for a limited time to be specified by the council. (Ord. 2003-15 § 1, 2003)

16.30.050 Training, education, and implementation.

A. City staff involved in grounds and maintenance shall attend at least once a year available training in prevention and other pest management techniques outlined in this chapter if appropriate to their area of work. All other city staff shall receive educational materials about prevention of pest problems in the workplace.

B. The city shall designate a staff member to be responsible for the implementation of this chapter. (Ord. 2003-15 § 1, 2003)

16.30.060 Public notification.

Within 120 days of May 26, 2003, any city department that uses any pesticide shall comply with the following notification procedures:

A. Notification signs shall be posted at least 48 hours prior to any pesticide application. Signs shall remain in place for at least 24 hours after pesticide application. Signs shall be posted at the treatment site, at a central area in the building, and at every point if the pesticide is applied in an enclosed area, and in highly visible locations around the perimeter of the application area if the pesticide is applied in an open area. If the application is to a linear landscape, such as along a path or roadside, signs shall be posted at 100-foot intervals.

B. Notices shall begin with a header containing the signal word from the pesticide label alongside the words "pesticide application." For example, "WARNING: PESTICIDE APPLICATION." Notices shall be at least eight and one-half inches by 11 inches, and shall include the following information: the pesticide's active ingredient; the date and time of pesticide application; the area treated; the rate of application; the name and phone number of the contact person for the application; the name and phone number of the responsible party where the pesticide label and material safety data sheets may be obtained; and a boxed-off warning stating: "CAUTION: Indi-

viduals taking medication, pregnant women, infants, children, and individuals with respiratory or heart disease, chemical sensitivities, or weakened immune systems may be particularly susceptible to adverse health effects due to pesticide exposure."

C. The city shall notify the public prior to any aerial pesticide application via notices in the city's newspaper of record and with postings, the content of which meets the above requirements. Notices shall be posted throughout the area affected by the aerial application. If an immediate pesticide application of any kind is necessary for the protection of public health, signs meeting the requirements of this section shall be posted.

D. The pre-notification and pre-posting requirements of this section do not apply to any application of allowable products for control of any pest that poses an immediate human health or safety threat. When such an application is made notification and posting consistent with the city's notification system shall occur as soon as possible after the application. (Ord. 2003-15 § 1, 2003)

16.30.070 Record keeping.

The city shall maintain publicly accessible information with records of pesticides used by all departments. The information recorded shall include the date and location of the application; the product name, active ingredient and EPA registration number; the target pest; the quantity applied and the applicator. (Ord. 2003-15 § 1, 2003)

16.30.080 Yearly report.

On a yearly basis in the fall at a public meeting of the city council, a report shall be presented which includes quantities of each pesticide product (measured as ready-to-use) applied during the previous year, evaluates how well its pest prevention and control objectives are being met, assesses how well the city is complying with this chapter, and identifies areas where improvement may be needed. The report shall be made available to the public upon request and shall be posted on the city web site. (Ord. 2003-15 § 1, 2003)